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February 15, 2017

**Ex Parte Filing**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
12th Street Lobby, Room TW-A325  
Washington, D.C. 20554

Re: CC Docket No. 95-155; WT Docket No. 08-7

Dear Ms. Dortch:

On February 13, 2017, Gina Perini, Ann Berkowitz, and Joel Bernstein, all of Somos, Inc., and I met with Jay Schwarz of Chairman Pai's Office to discuss Somos's Petition for a Declaratory Ruling Regarding Registration of Text-Enabled Toll-Free Numbers.

Somos's presentation provided background on its petition, emphasizing that Commission action is urgently needed to protect the integrity of the Toll-Free numbering system, to protect against fraud, and to ensure that consumers continue to have confidence in the Toll-Free and Texting systems. First, the requirement that a messaging services provider seek Resp Org authorization before text-enabling a Toll-Free number follows directly from the Commission's determination that Resp Orgs are the entities responsible for managing and administering Toll-Free numbers. 47 C.F.R. § 52.101(b). Resp Orgs cannot fulfill their responsibility for ensuring the integrity of Toll-Free number assignment unless they are informed of the subscriber's determination to text-enable a particular Toll-Free number. Moreover, only the Resp Org has the ability to ensure, by virtue of an existing direct or indirect relationship with the Toll-Free subscriber, that the subscriber with authority over a particular Toll-Free number has authorized text-enablement.

Second, the requirement that every text-enabled Toll-Free number be registered in the Somos Texting and Smart Services ("TSS") Registry follows from the Commission's determination that the SMS/800 database is the definitive registry for Toll-Free numbers, and from the existing designation of Somos as the Toll-Free neutral administrator.

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Ensuring that text-enabled numbers are registered in a way that is integrated and consistent with the SMS/800 database is necessary to fulfill a number of existing regulatory requirements, including, (1) ensuring that unassigned numbers are not text-enabled, which would render them unavailable for “first-come, first-served” assignment; (2) ensuring that if a Toll-Free number goes out of service, the text-messaging service does not continue as a “zombie” service; (3) ensuring that law enforcement can determine the status of a text-enabled Toll-Free number; (4) ensuring that registration information is maintained by an impartial administrator. Moreover, use of the TSS Registry ensures an efficient mechanism for obtaining Resp Org authorization, drawing on existing processes and information flows. Somos explained that the TSS Registry is an extension of the SMS/800 database, to be administered on a not-for-profit, cost-recovery basis.

Somos also discussed procedural issues, including the Commission’s authority to resolve the petition in a declaratory ruling and the authority of the Wireline Competition Bureau to act on the petition pursuant to delegated authority.

This letter is being electronically filed for inclusion in the record of these proceedings. If you have any questions concerning this matter, please contact me at (202) 326-7921.

Sincerely,

A handwritten signature in dark ink, appearing to read "Aaron M. Panner", with a stylized flourish at the end.

Aaron M. Panner

cc: Jay Schwarz